

SENATE BILL No. 275

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-23-18-3; IC 20-34-10.

Synopsis: School concussion recovery protocol. Requires the department of education to develop and disseminate, before July 1, 2021, a protocol for allowing a student who has received a concussion or head injury to return to classroom work. Requires: (1) a public school, including a charter school; and (2) an accredited nonpublic school; to comply with the protocol in determining the conditions under which a student who has received a concussion or head injury may return to classroom work.

Effective: July 1, 2020.

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January 9, 2020, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 275



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-23-18-3, AS ADDED BY P.L.213-2018(ss),
- 2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c), the
- 4 Muncie Community school corporation is subject to all applicable
- 5 federal and state laws.
- 6 (b) If a provision of this chapter conflicts with any other law,
- 7 including IC 20-23-4, the provision in this chapter controls.
- 8 (c) Notwithstanding subsection (a), to provide all administrative and
- 9 academic flexibility to implement innovative strategies, the Muncie
- 10 Community school corporation is subject only to the following IC 20
- 11 provisions:
- 12 (1) IC 20-26-5-10 (criminal history).
- 13 (2) IC 20-28-5-8 (conviction of certain felonies; notice and
- 14 hearing; permanent revocation of license; data base of school
- 15 employees who have been reported).
- 16 (3) IC 20-28-10-17 (school counselor immunity).
- 17 (4) IC 20-29 (collective bargaining) to the extent required by



- 1 subsection (e).
 2 (5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 3 observances).
 4 (6) The following:
 5 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
 6 of Allegiance).
 7 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
 8 constitutions of Indiana and the United States; writings,
 9 documents, and records of American history or heritage).
 10 (C) IC 20-30-5-4 (system of government; American history).
 11 (D) IC 20-30-5-5 (morals instruction).
 12 (E) IC 20-30-5-6 (good citizenship instruction).
 13 (7) IC 20-32-4, concerning graduation requirements.
 14 (8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation
 15 Assessment Readiness Network (ILEARN) program.
 16 (9) IC 20-32-8.5 (IRead3).
 17 (10) IC 20-33-2 (compulsory school attendance).
 18 (11) IC 20-33-3 (limitations on employment of students).
 19 (12) IC 20-33-8-16 (firearms and deadly weapons).
 20 (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
 21 due process and judicial review).
 22 (14) IC 20-33-7 (parental access to education records).
 23 (15) IC 20-33-9 (reporting of student violations of law).
 24 (16) IC 20-34-3 (health and safety measures).
 25 **(17) IC 20-34-10 (student concussion protocol).**
 26 ~~(17)~~ **(18)** IC 20-35, concerning special education.
 27 ~~(18)~~ **(19)** IC 20-39 (accounting and financial reporting
 28 procedures).
 29 ~~(19)~~ **(20)** IC 20-40 (government funds and accounts).
 30 ~~(20)~~ **(21)** IC 20-41 (extracurricular funds and accounts).
 31 ~~(21)~~ **(22)** IC 20-42 (fiduciary funds and accounts).
 32 ~~(22)~~ **(23)** IC 20-42.5 (allocation of expenditures to student
 33 instruction and learning).
 34 ~~(23)~~ **(24)** IC 20-43 (state tuition support).
 35 ~~(24)~~ **(25)** IC 20-44 (property tax levies).
 36 ~~(25)~~ **(26)** IC 20-46 (levies other than general fund levies).
 37 ~~(26)~~ **(27)** IC 20-47 (related entities; holding companies; lease
 38 agreements).
 39 ~~(27)~~ **(28)** IC 20-48 (borrowing and bonds).
 40 ~~(28)~~ **(29)** IC 20-49 (state management of common school funds;
 41 state advances and loans).
 42 ~~(29)~~ **(30)** IC 20-50 (concerning homeless children and foster care



- 1 children).
- 2 (d) The Muncie Community school corporation is subject to
3 required audits by the state board of accounts under IC 5-11-1-9.
- 4 (e) Except to the extent required under a collective bargaining
5 agreement entered into before July 1, 2018, the Muncie Community
6 school corporation is not subject to IC 20-29 unless the school
7 corporation voluntarily recognizes an exclusive representative under
8 IC 20-29-5-2. If the school corporation voluntarily recognizes an
9 exclusive representative under IC 20-29-5-2, the school corporation
10 may authorize a school within the corporation to opt out of bargaining
11 allowable subjects or discussing discussion items by specifying the
12 excluded items on the notice required under IC 20-29-5-2(b). The
13 notice must be provided to the education employment relations board
14 at the time the notice is posted.
- 15 SECTION 2. IC 20-34-10 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]:
- 18 **Chapter 10. Student Concussion Protocol**
- 19 **Sec. 1. The following definitions apply throughout this chapter:**
- 20 (1) "Concussion protocol" refers to the protocol developed by
21 the department under section 2 of this chapter.
- 22 (2) "School" means:
- 23 (A) a public school, including a charter school; and
24 (B) an accredited nonpublic school.
- 25 **Sec. 2. (a) Before July 1, 2021, the department shall develop and
26 disseminate to each school a protocol for allowing a student who
27 has received a concussion or head injury to return to classroom
28 work.**
- 29 (b) In developing the concussion protocol, the department may:
- 30 (1) consult with medical professionals and others with
31 expertise in diagnosing and treating concussions and head
32 injuries; and
33 (2) consider protocols adopted by other states and
34 organizations, including the "Return to Learn" protocols
35 developed by the Brain Injury Association of America.
- 36 (c) The department may disseminate the concussion protocol in
37 an electronic format.
- 38 (d) The department shall post the concussion protocol on the
39 department's Internet web site.
- 40 **Sec. 3. (a) A school shall comply with the concussion protocol in
41 determining the conditions under which a student who has received
42 a concussion or head injury may return to classroom work.**



1 **(b) A school shall provide a copy of the concussion protocol to**
2 **the parent of each student attending the school. The school may**
3 **provide the protocol to parents in an electronic format.**

